

REMARKS

This application pertains to a novel flame-retardant pressure-sensitive adhesive, having improved bond strength.

Claims 1-32 are pending.

In the Advisory Action, the Examiner indicates that the New matter rejection is withdrawn, but later indicates that all rejections of record as stated in the final office action of 10/11/07 are incorporated here by reference.

It is believed that the Examiner meant that all art rejections remain, but that the formal rejections have been withdrawn.

Claims 1-4, 6-8, 10-13, 18-27, 31 and 32 stand rejected under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663).

Applicants previously pointed out that Parsons required a flame retardant component that comprises at least two compounds. At col. 2, line 57, Parsons teaches a flame retardant, derived from EP 0115871, which comprises a nitrogen containing oligomer and ammonium polyphosphate. EP 0115871 is equivalent to US 4,504,610 and from the 610 reference it is clear that the flame retardant component requires both the ammonium phosphate and an oligomer or polymer derived from 1, 3, 5 triazine. Parsons also discloses other combinations of ammonium polyphosphate and e.g. flame retardant synergists and co-agents (col. 2, lines 63-65). The Examiner insists, however,

that Applicants transition phrase “consisting essentially of” leaves the flame retardant component open to other flame retardants.

Now, in a determined effort to advance the prosecution of this case, Applicants have amended their claim to the transition phrase “consisting of”. This phrase excludes the presence of any flame retardant other than ammonium polyphosphate.

Support for this can be found in Applicants’ examples, where ammonium polyphosphate is the only flame retardant included.

It is believed that this amendment overcomes the rejection, and the rejection of claims 1-4, 6-8, 10-13, 18-27, 31 and 32 under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663) should be withdrawn.

Claims 1-3, 5-15, 19 and 21-29 stand rejected under 35 U.S.C.102(a or e) as anticipated by Sakurai (US 6,893,583 or US 2002/0193487) in view of evidence provided in US 6,488,958 to Himmelsbach.

Himmelsbach is cited for a disclosure of tackifiers.

Applicant’s claims are drawn to a pressure-sensitive adhesive and Applicants have pointed out to the Examiner that Sakurai has nothing to do with a pressure sensitive adhesive. In response the Examiner argues that Sakurai’s adhesives can be

pressure-sensitive since two surfaces have to be pressed together to be bonded with Sakurai's adhesive.

Pressure-sensitive adhesives are known in the art to be adhesives that are capable of bonding to surfaces simply by the application of light pressure.

Sakurai does not teach his adhesive composition to be pressure-sensitive, and his Example at paragraph [0073] clearly indicates to those skilled in the art that Sakurai's adhesive is not a pressure sensitive adhesive. The adhesive is applied by coating to one substrate, a second substrate is laid over the coating on the first, and the adhesive is then aged at room temperature i.e., cured. This clearly suggests that the adhesive is not pressure-sensitive.

More important, Sakurai does not disclose his adhesive as being self-adhesive, and speculation that it might be does not constitute prior art and cannot properly be the basis for a rejection.

Nothing in Himmelsbach would compensate for the deficiencies of the Sakurai reference.

Accordingly, there is no way that Sakurai, with or without Himmelsbach could possibly be viewed as anticipating Applicants' claims, and the rejection of claims 1-3, 5-15, 19 and 21-29 under 35 U.S.C.102(a or e) as anticipated by Sakurai (US 6,893,583

or US 2002/0193487) in view of evidence provided in US 6,488,958 to Himmelsbach should now be withdrawn.

Claims 1-32 stand rejected under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakuari (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065). The Examiner cites Nishumura for a teaching of “other monomers” of acrylates, photoinitiators and specific molecular weights.

No “other monomers” of acrylates, photoinitiators or specific molecular weights could possibly overcome the differences shown above between the disclosure of the primary references and subject-matter of Applicants’ claims.

The rejection of claims 1-32 under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakuari (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065) should therefore now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 – 32 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

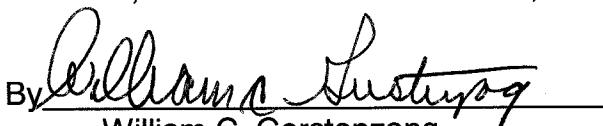
If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By 
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